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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/588,648	08/07/2006	Ryo Sakurai	Q96393	9259
23373 7590 12/09/2009 SUGHRUE MION, PLLC 2100 PENNSYLVANIA AVENUE, N.W. SUITE 800 WASHINGTON, DC 20037				
EXAMINER KUMAR, SRILAKSHMI K				
ART UNIT		PAPER NUMBER		
2629				
NOTIFICATION DATE		DELIVERY MODE		
12/09/2009		ELECTRONIC		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary

Application No.

10/588,648

Applicant(s)

SAKURAI ET AL.

Examiner

SRILAKSHMI K. KUMAR

Art Unit

2629

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 September 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/C)
- 4) ☐ Interview Summary (PTO-413)
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____
- Paper No(s)/Mail Date _____

DETAILED ACTION

The following office action is in response to the amendment filed on September 18, 2009.

Claims 1-5 are pending. Claims 1-3 have been amended. Claims 4 and 5 are newly added.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1- are rejected under 35 U.S.C. 102(b) as being anticipated by Lecain et al (WO 03/104884).

As to independent claim 1, Lecain et al teach an information display device, in which display media are sealed between a front substrate and a rear substrate, at least one of the front substrate and the rear substrate being transparent (page 16, line 22-page 17, line 31), and at least one of the front substrate and the rear substrate being flexible, and in which the display media (page 16, line 22-page 17, line 31), to which an electrostatic field is applied, are made to move so as to display information such as an image (page 16, lines 22-page 17, line 31; page 20, line 3-30; page 24, line 38-page 25, line 22), spacers are arranged on a surface of at least one of the front and the rear substrate in a sealing agent arranging portion, which seals a space between the front substrate and the rear substrate by a sealing agent (page 39, lines 6-29; page 41, line 25-page 42, line 12), and the sealing agent arranging portion is disposed between outermost walls of partition walls for forming cells and a rib disposed on at least on of the front substrate and the rear substrate (page 39, lines 6-29; page 41, line 25-page 42, line 12).

As to dependent claim 2, limitations of claim 1, and further comprising, Lecain et al teach wherein the spacers are manufactured simultaneously when partition walls for forming cells between the front substrate and the rear substrate are arranged on at least the front substrate and the rear substrate (page 16, line 22-page 17, line 31).

As to dependent claim 3, limitations of claim 1, and further comprising, Lecain et al teach wherein a total area of the spacers on at least the front substrate and the rear substrate is 0.5-50% of the sealing agent arranging portion on at least one of the front substrate and the rear substrate (page 40, lines 17-29).

As to dependent claim 4, limitations of claim 1, and further comprising, Lecain et al teach where the spacers have a dotted shape (Fig. 17).

As to dependent claim 5, limitations of claim 1, and further comprising, Lecain et al teach wherein the display media comprise at least one of particles and liquid powders (page 16, line 22-page 17, line 31).

Response to Arguments

3. Applicant's arguments filed September 18, 2009 have been fully considered but they are not persuasive.

Applicant argues where the prior art of Lecain teaches spacers (572 and 574) prevent extrusion of the sealing material rather than strengthening a resin substrate. Examiner, respectfully, disagrees. Applicant has not claimed where the spacers of the instant application strengthen a resin substrate. Therefore, the spacers of Lecain teach the claimed spacers.

Applicant argues where the Lecain does not disclose or suggest the spacers 15 provided in the sealing agent arranging portion 14 between the outermost walls of the partition walls 4 and

rib 12, which strengthen the resin substrate, as shown in Fig. 4(b) of the instant application. Examiner, respectfully disagrees. Lecain clearly teaches in Fig. 17, where the spacers provided are between the outer most walls. Again, with respect to “strengthening the resin substrate”, applicant does not claim this feature.

With respect to newly added limitation of “the sealing agent arranging portion is disposed between outermost walls of partition walls for forming cells and a rib disposed on at least one of the front substrate and the rear substrate” this is shown in Fig. 17, and page 39, lines 6-29; page 41, line 25-page 42, line 12 of Lecain et al.

With respect to claim 2, Applicant argues where Lecain does not teach that the spacers are manufactured simultaneously. Examiner, respectfully disagrees. Lecain teaches in page 16, line 22-page 17, line 31 as to the manufacturing of the spacers and the display.

With respect to claim 3, applicant argues where Lecain et al do not teach where a total area of the spacers on the substrate is 0.5 – 50% of the sealing agent arranging portion on the substrate. Examiner, respectfully disagrees. Lecain et al teach the total are of the spacers on page 40, lines 17-29.

Therefore, as the prior art of Lecain et al teach the limitations claimed, the rejection is maintained and made FINAL.

Conclusion

4. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO

MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to SRILAKSHMI K. KUMAR whose telephone number is (571)272-7769. The examiner can normally be reached on 7:00 am to 4:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sue Lefkowitz can be reached on 571 272 3638. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

December 3, 2009
SKK

/Srilakshmi K Kumar/
Primary Examiner
Art Unit 2629

Application/Control Number: 10/588,648
Art Unit: 2629

Page 6